UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
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HELENA, MONTANA 59626

Ref: 8MO

June 23, 2010

R. David Williams, Project Manager
BLM, Butte Field Office
106 North Parkmont
Butte, Montana 59701-7600

and

Greg Hallsten
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Re: CEQ 20100188; Indian Creek Mine Expansion,
Final Environmental Impact Statement

Dear Mr. Williams and Mr. Hallsten:

The U.S. Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Final Environmental Impact Statement (FEIS) for Indian Creek Mine Expansion in Broadwater County, Montana.

EPA appreciates the responses to EPA's DEIS comments as well as responses to DEIS comments made by other agencies and the public in Chapter 6 of the FEIS. The FEIS responses and text clarify that the majority of air pollutant emissions come from existing sources and do not represent a change or increase in annual project emissions and are within the permitted levels. The proposed action would extend these air emissions for an additional 35 years. Nevertheless EPA is disappointed that neither an air impact permit analysis for the mine expansion nor a fugitive dust mitigation plan (e.g., with information about opacity limits, frequency of watering, control limits on fugitive control baghouses, etc.) were included in the FEIS as we requested in our DEIS comments. Appending such information to an EIS facilitates improved public disclosure and understanding.

In regard to lime production, climate change and greenhouse gas (GHG) emissions, the FEIS clarifies that one million tons of material is mined annually at the Indian Creek Mine, but that only about 65 percent is used for lime production, with total maximum kiln lime production of approximately 365,000 tons per year. Annual GHG emissions associated with this level of lime production is stated to be approximately 480,000 tons (435,000 metric tons) of CO2

equivalents (CO2e), or approximately 16.8 million tons (15.3 million metric tons) of CO2e emissions over the additional 35-year mine life of the Indian Creek Mine under the Proposed Action. The CO2e emissions at the mine equate to an average of 0.8 percent of the total CO2e emissions from sources within Montana (estimated to be 38.5 million metric tons); 0.004 percent of total U.S. emissions (US emissions estimated at 7.282 CO2e billion metric tons); and comprise 1.1 percent of CO2e emissions associated with lime manufacture in the U.S., and less than 0.001 percent of annual global CO2e emissions. The FEIS concludes that while the proposed action may contribute to the effects of climate change to some extent, it is not currently possible to associate any of these particular emissions with the creation of specific climate - related environmental effects.

While the FEIS discussion and analysis of climate change and GHG emissions is expanded over that included in the DEIS, the conclusion that specific climate – related environmental effects cannot be associated with the GHG emissions from the Indian Creek Mine downplays the importance of the issue. It is important to understand that climate change, resulting from increasing natural and anthropogenic GHG emissions, is a cumulative impacts issue. GHG emissions from all sources contribute incrementally to climate change. Virtually all emissions of GHGs when considered individually are relatively minor and may be difficult to associate with specific climate effects other than their overall contribution to atmospheric increases in GHG concentrations, and thus, global climate change. In order to address a global cumulative impacts issue like climate change in the NEPA context, it is important to recognize that all GHG emission sources contribute to the problem.

In regard to mitigation of GHG emissions at the Indian Creek Mine, the FEIS simply states, "potential mitigating measures include improved efficiencies in the mining and processing of limestone." The FEIS does not identify or discuss the potential methods by which mining and limestone processing efficiencies can be improved at the Indian Creek Mine to minimize GHG emissions, and does not indicate if such efficient mining and lime production measures would be implemented to minimize GHG emissions during mine expansion.

Executive Order 13514 entitled, *Federal Leadership in Environmental, Energy, And Economic Performance*, dated October 8, 2009, directs Federal agencies to make reduction of greenhouse gas emissions a priority. Each agency is directed to develop, implement, and annually update an integrated Strategic Sustainability Performance Plan that will prioritize agency actions. This Plan, among other things, will identify agency activities, policies, plans, procedures and practices that are relevant to the agency's implementation of the order, and where necessary, provide for development and implementation of new or revised policies, plans, procedures, and practices. The U.S. Dept. of Interior has also issued orders and directives intended to better address climate change (see http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/science.Par.46189.File.dat/SO_3226A1.pdf , and http://www.fws.gov/home/climatechange/pdf/SecOrder3289b.pdf).

Accordingly, we believe more meaningful mitigation efforts to improve existing practices to promote GHG reductions should be pursued. Consistent with CEQ regulations (40 CFR

Sections 1502.14(f), 1502.16(h), 1508.14), the FEIS should have included discussion of the means to mitigate GHG emissions, including a description of energy conservation and other methods by which mining and limestone processing efficiencies would be improved to minimize GHG emissions. For example, the FEIS states that approximately 40,000 tons of coal and 30,000 tons of coke are used annually as the energy source to heat and process lime at the Indian Creek Mine (FEIS at 5-2). We recommend that the Indian Creek Mine Expansion Record of Decision (ROD) identify any alternate energy sources and/or energy conservation measures that would reduce burning of fossil fuels, and thus, reduce project-related GHG emissions.

We note that the Western Climate Initiative (which includes Montana) is promoting a comprehensive regional effort to reduce GHG emissions by 15 percent below 2005 levels by 2020 (see http://www.westernclimateinitiative.org/the-wci-cap-and-trade-program). The Montana Climate Change Action Plan of 2007 has a goal of reducing GHG emissions to 1990 levels by 2020 (see http://www.mtclimatechange.us/CCAC.cfm). How will mining and lime processing efficiencies at the Indian Creek Mine be improved during the period of the proposed mine expansion to contribute toward achieving these GHG reduction goals by 2020?

EPA recommends that BLM and MDEQ document in the ROD the specific measures that will be used to reduce and mitigate GHG emissions during mining and lime processing. In addition, we suggest the ROD describe how the projected GHG emissions, including mitigation measures, may help achieve the GHG reduction goals set forth in the Montana Climate Change Action Plan of 2007 and Western Climate Initiative, as well as the policy set forth in E.O. 13514.

EPA appreciates the opportunity to review and comment on this project during the NEPA process. If you have any questions regarding our input please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at 406-329-3313. Thank you for your consideration.

Sincerely,

for Julie A. DalSoglio
Director
Montana Office

cc: Larry Svoboda/Connie Collins, EPA, 8EPR-N, Denver